

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director  
954-797-1101

**SUBJECT:** Ordinance  
Clearing and Grubbing of Land

### **TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-33 ENTITLED "GENERAL REGULATIONS", AMENDING SECTION 12-368 ENTITLED "GENERAL PURPOSES", AMENDING CHAPTER 26, ENTITLED "VEGETATION", CREATING CHAPTER 26 ARTICLE IV, ENTITLED "CLEARING AND GRUBBING OF LAND", PROVIDING FOR INTENT, APPLICABILITY, PERMIT PROCEDURES, PERMIT APPLICATION, PERMIT EXEMPTION, AND REQUIRED DOCUMENTATION PRIOR TO THE ISSUANCE OF A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

### **REPORT IN BRIEF:**

The Town Council enacted a 'Planning and Zoning in Progress' on February 21, 2001 to allow staff time to design regulations guiding the clearing and grubbing of land within the Town.

The purpose of establishing a permit process for the 'Clearing and Grubbing' of land is to ensure that all undeveloped land in Davie, prior to the removal of vegetation, is reviewed by the appropriate Town officials for the protection and relocation of wildlife (Ordinance 2000-42), tree preservation (Chapter 26 of Davie Code of Ordinances), wetland preservation, and shoreline sediment controls. In addition, before a 'Clearing and Grubbing' permit can be issued for any property, a site plan or related development permit must have been approved and issued by the Town.

The regulations as proposed would create a one-stop permit process involving Town review and approval of all applications to clear land and include a permit fee to cover the cost of staff resources and time.

The following information would be required prior to staff issuing a 'Clearing and Grubbing permit.' This information will allow staff to comprehensively evaluate the impact clearing and grubbing of land would have on the natural resources present on a parcel of land, prior to site development.

**Wildlife protection.** Prior to the issuance of a 'Clearing and Grubbing' permit an applicant must provide proof of an on-site inspection performed by a licensed wildlife biologist stating that there are no threatened, endangered or listed species upon the property. In addition, other non-regulated species identified as being upon the property must be listed and their and methods of relocation detailed.

**Tree Preservation.** Prior to the issuance of a 'Clearing and Grubbing' permit a tree survey must be performed by a licensed arborist or landscape architect identifying the location, size, condition, and species of all trees found on-site. Included with the tree survey must be specifications relating to the protection of all trees as identified as protected by the Town, and

proper barricades installed, as stated in Chapter 26, Code of Ordinances. A tree preservation plan, indicating trees to be preserved in place, trees to be relocated, and trees to be removed is also required, to ensure the retention of all protected tree species within the Town.

**Wetland Preservation.** Prior to the Town issuing a 'Clearing and Grubbing' permit, the applicant must provide proof that all necessary permits relating to wetland protection and/or mitigation have been secured, specifically South Florida Water Management District, Department of Environmental Protection (State), and Department of Planning and Environmental Protection (County), as necessary.

**Sediment and Erosion Control.** In addition, prior to the issuance of a 'Clearing and Grubbing' permit, a detailed sediment and erosion control plan shall be prepared by a registered engineer for all property indicating how and by which mechanism all sediment will be controlled so as not to impact roadways, waterbodies, and/or wetlands.

**PREVIOUS ACTIONS:** The Town Council tabled this item to the June 6, 2001 meeting ( 5-0, May 16, 2001).

**CONCURRENCES:** Planning and Zoning Board recommended approval at its May 9, 2001 meeting subject to corrections made for clarification (motion carried 4-1, Ms. Moore dissenting).

**FISCAL IMPACT:**

Has request been budgeted?      yes    no

    If yes, expected cost: \$

        Account Name:

    If no, amount needed: \$

        What account will funds be appropriated from:

    Additional Comments:

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Ordinance, Permit Application

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-33 ENTITLED "GENERAL REGULATIONS", AMENDING SECTION 12-368 ENTITLED "GENERAL PURPOSES", AMENDING CHAPTER 26, ENTITLED "VEGETATION", CREATING CHAPTER 26 ARTICLE IV, ENTITLED "CLEARING AND GRUBBING OF LAND", PROVIDING FOR INTENT, APPLICABILITY, PERMIT PROCEDURES, PERMIT APPLICATION, PERMIT EXEMPTION, AND REQUIRED DOCUMENTATION PRIOR TO THE ISSUANCE OF A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to establish a permit procedure and guidelines for the clearing and grubbing of land; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on May 9, 2001; and

WHEREAS, the Town Council of the Town of Davie held public hearings on June 6, 2001 and June 20, 2001.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. Chapter 12 and Chapter 26 of the Town Code, are amended to read:

**Chapter 12. Land Development Code**

**Section 12.-33. General Regulations**

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(E) ~~Commercial Business in Private Garage~~ Clearing and Grubbing

Prior to the clearing and/or grubbing of land, a permit shall be obtained, pursuant to the requirements of Chapter 26, Article IV. In addition, prior to said clearing and grubbing permit being issued, a valid site plan must be approved for said parcel of land, except in cases further enumerated within Chapter 26.

Section 12-33(E) - (HH) shall be replaced with 12-33(F) -(II)

## **Section 12-368. General Purposes**

...Prior to the initiation of any new construction, including grading, dredging and filling, clearing or grubbing, or infrastructure....

## **Chapter 26 Vegetation**

### **Section 26-22. Tree Removal Permit - required**

(b) Land clearing, where such activities may result in the removal of trees, shall not occur until a tree removal permit/tree relocation or clearing and grubbing permit has been obtained, in accordance with Section 26-48.

(c) No site development shall be undertaken without first obtaining site plan approval from the town. Clearing of exotic vegetation shall be permitted through the issuance of a clearing and grubbing permit. ~~for the purpose of preparing land for grazing shall be permitted upon approval; by the development services department, and if necessary, a tree removal/tree relocation permit.~~  
Chapter 26

## **Article IV. Clearing and Grubbing of Land**

### **Section 26-45. Title.**

This article shall be known and may be cited as the “Town of Davie Clearing and Grubbing Ordinance.”

### **26-46. Purpose.**

The purpose of this article is to establish rules and regulations governing the clearing and grubbing of land within the Town and to ensure the protection of natural resources valuable to the Town. These resources include the protection of wildlife, preservation of wetlands, and preservation of trees.

### **26-47. Applicability**

The term and provisions of this article shall apply to all real property located within the Town limits.

#### 26-48. Definition

The definition of Land Clearing, as stated in Section 26-19, shall also apply to clearing and grubbing of land.

#### 26-49. Permit - Required

(1) All clearing and grubbing of land shall require a clearing and grubbing permit prior to commencement of said work.

(2) A clearing and grubbing permit shall not be issued prior to site plan approval, except as stated in Section 26-49.

(3) A permit shall be obtained from the Engineering Division with review by both the Planning and Zoning Division and Engineering Division. The applicant shall include the following information:

(A) Tree Preservation Plan, prepared by a registered landscape architect or licensed arborist, to include the information as required in Section 26-25(b) and the following:

(1) Trees to be preserved in place, trees to be relocated, and trees to be removed, including their replacement canopy calculations.

(B) Wildlife Protection Plan to include at the minimum the following:

(1) A submittal, as required in Section 26-1 "Requirements for wildlife protection prior to land clearing," demonstrating that said site does not serve as habitat for rare, threatened or endangered species or species of special concern or a mitigation plan shall be provided.

(2) A list, prepared by a licensed animal relocation specialist, of all animal species identified on site and methods of relocation.

(C) Wetlands Identification:

In order for the Town to ensure the retention and preservation of wetlands,

licenses and/or permits from the appropriate governmental entities must be submitted to the town for review, prior to the issuance of clearing and grubbing permit, as follows.

(1) In the event no wetlands are present a conceptual review letter or binding letter is required from Broward County Department of Planning and Environmental Protection (DPEP) stating there are no wetlands present.

(2) In the event wetlands are present a wetland permit from DPEP shall be required to ensure the protection of wetlands during the clearing of land. Pursuant to Federal and State regulations, for wetlands over 1/2 acre in size, the applicant shall also provide evidence of permit approvals from both the South Florida Water Management District and the Army Corps of Engineers.

(D) Sediment and Erosion Control Plan shall include the following:

Prior to the issuance of a clearing and grubbing permit a sediment and erosion control plan shall be submitted as part of the permit application. Said plan shall be prepared by a registered Engineer and shall indicate how and by which mechanism, all sediment and erodible land will be controlled during the clearing of the land so as not to impact roadways, waterbodies and/or wetlands.

#### 26-50. Permit - Exemptions

In cases regarding the exclusive removal of non-native invasive species for grazing of livestock, agricultural uses, or at the request of the Town Administrator or designee upon a determination that the site creates a nuisance as defined in Section 12-33(T), a clearing and grubbing permit may be issued prior to site plan approval provided all the information is included as stated above, and upon the approval of the Development Services Director.

#### 26-51. Permit - Application

A 'Clearing and Grubbing Permit' shall be applied for through the Engineering Division. The cost of the permit shall be \$500 per acre, or fraction thereof.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2001

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2001

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001

**DRAFT**

## **TOWN OF DAVIE ENGINEERING DIVISION REVIEW & PERMITTING PROCEDURES**

### **ENGINEERING PLAN REVIEW**

Prior to the issuance of engineering construction permits all developers shall secure an approval from the Town Engineer for all proposed engineering work such as paving, grading, underground utilities, roads, sidewalks, site lighting, seawalls, docks and bridges clearing & grubbing, prior to application for construction permits. Plan review may be done concurrent with a site development permit. The engineer shall submit 3 (three) sets of proposed construction drawings to the office of the Town Engineer, together with the applicable engineering review fee.

### **SITE DEVELOPMENT PERMIT**

Applications for permits to perform work such as earth movement, fill work, excavation of lakes, canals, ponds, etc., must be submitted to the Town Engineer. Issuance of a Site Development Permit may be required prior to Engineering approval of building permits. Requirements for submittal are as follows:

- A. A completed application executed by the contractor (signature of qualifying agent must be notarized).
- B. Proof of Qualification (Certificate of Competency) and Occupational License.
- C. Certificate of Insurance.
- D. One (1) survey reflecting the existing on-site and adjacent off-site elevations.
- E. Three (3) sets of plans depicting proposed use of the land, proposed elevations, and provisions for on-site water retention.
- F. Approval stamp from the appropriate drainage district (see bottom of sheet).
- G. Approved Site Plan and Recorded Plat, as applicable.

### **ENGINEERING CONSTRUCTION PERMITS**

- A. A completed application executed by the contractor (signature of qualifying agent must be notarized).
- B. Proof of Qualification (Certificate of Competency) and Occupational License.
- C. Certificate of Insurance.
- D. Three (3) sets of full-size construction drawings (bearing the signature and impress seal of the design engineer).
- E. Three (3) sets of 11" x 17" construction drawings (bearing the signature and impress seal of the design engineer).
- F. Approved Site Plan and Recorded Plat, as applicable.
- G. Supplemental approvals, as follows:

#### **DRAINAGE / PAVING & GRADING:**

1. Approval stamp from the appropriate drainage district (see bottom of sheet).
2. Broward County Water Resources Management District, as applicable.
3. Letter of approval from South Florida Water Management District, as applicable.

#### **WATER DISTRIBUTION:**

1. Approval letter from Broward County Public Health Unit

#### **WASTEWATER COLLECTION:**

1. Approval letter from Broward County Department of Planning & Environmental Protection (B.C.D.P.E.P.)
- H. Copy of executed contract between contractor and developer, showing cost of proposed work (breakdown will be required for Water, Wastewater, Drainage, and Paving and Grading).
- I. Surety bonds or cash bonds, as required.
- J. Developer's Agreement for Town of Davie Utility System, as applicable.
- K. Applicable permit fee (payable when permit is approved and ready to be issued).

### **DRAINAGE DISTRICTS:**

- Central Broward Water Control District, 8020 Stirling Road, Davie Phone: 432-5110
- Tindall Hammock Drainage District, 1850 Eller Drive, Suite 503, Ft. Lauderdale Phone: 728-9795
- South Broward Drainage District, 6591 S.W. 160 Avenue (Dykes Road), Davie Phone: 680-3337

**TOWN OF DAVIE ENGINEERING DIVISION  
6591 ORANGE DRIVE, DAVIE, FLORIDA 33314 • PHONE (954)797-1113**



### **Clearing and Grubbing Permit**

Application for a permit to clear and grub land must be submitted to the Town Engineer. Prior to the issuance of a Clearing and Grubbing Permit submittal requirements are as follows:

- A. Completed application executed by the contractor (signature of qualifying agent must be notarized).
- B. Proof of Qualification (Certificate of Competency) and Occupation License.
- C. Certificate of Insurance
- D. Tree Preservation Plan
- E. Wildlife Protection Plan
- F. Wetlands Identification Plan and/or Letters from appropriate governmental entities
- G. Sediment and Erosion Control Plan
- H. Approved Site Plan

DATE RECEIVED:

**TOWN OF DAVIE**  
**ENGINEERING PERMIT**

ENGINEERING PERMIT No. \_\_\_\_\_

ENGINEERING DEPARTMENT • 6591 S.W. 45 Street, Davie, Florida 33314 • Phone: 797-1113

OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTRACTOR'S ADDRESS: \_\_\_\_\_

EMERGENCY CONTACT: \_\_\_\_\_ (24 Hr.) PHONE: \_\_\_\_\_

Application is hereby made to obtain a permit to perform the work indicated below, in strict conformance with **Approved** plans and specifications submitted by \_\_\_\_\_

as \_\_\_\_\_ as Consulting Engineers and identified or numbered as \_\_\_\_\_

DEVELOPMENT/PROJECT NAME: \_\_\_\_\_

APPLICATION FOR CONSTRUCTION OF: \_\_\_\_\_

PROPOSED DATE OF BEGINNING CONSTRUCTION: \_\_\_\_\_

CONTRACT COST OF PROPOSED WORK: Water \$ \_\_\_\_\_ Sewer \$ \_\_\_\_\_

Paving/Grading \$ \_\_\_\_\_ Drainage \$ \_\_\_\_\_

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public

Signature of Qualifying Contractor

Name of Notary Public (Typed/Printed)

\_\_\_\_\_ Personally known to me, or

\_\_\_\_\_ Produced identification: \_\_\_\_\_

(Type of Identification)

Certificate Number

**NOTES:** (1) This permit shall expire one year from the date of approval. Renewals shall be subject to review based on current standards and a reapplication fee. (2) It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder. Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said road right-of-way as determined by the Town of Davie; any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized here under, shall be immediately removed from said road right-of-way or reset or relocated thereon as required by the Town of Davie and at the expenses of the permittee. (3) Water and Sewer facilities will require completion of applicable transfer documents and clearance from pertinent regulatory agencies prior to placing new work in service. (4) Verification, location and staking of right-of-way locations the responsibility of the permittee. (5) The work area utilized for the performance of any work shall be restored to the same or better condition that existed prior to the commencement of the work. (6) Verification of right-of-way is the responsibility of the owner/developer. (7) If work is not commenced within 180 days after issuance of permit, the permit is null and void, per section 12-328 of Town of Davie Code.

\*\*\* BELOW TO BE COMPLETED BY TOWN OF DAVIE STAFF \*\*\*

- 1) Proof of Qualification (Certification of Competency) \_\_\_\_\_
- 2) Current Liability Insurance Certificate and Occupational License \_\_\_\_\_
- 3) Copy of Contract \_\_\_\_\_
- 4) Developer's Agreement with Utilities Department \_\_\_\_\_
- 5) Construction Bonds \_\_\_\_\_

**SITE DEVELOPMENT / DRAINAGE / PAVING & GRADING:**

- 6) Approval Stamp from Appropriate Drainage District \_\_\_\_\_

**WATER DISTRIBUTION:**

- 7) Approval Letter from Broward County Public Health Unit (BCPHU) \_\_\_\_\_

**WASTEWATER COLLECTION:**

- 8) License from Broward County Department of Natural Resource Protection (BCDNR) \_\_\_\_\_

**REMARKS:** \_\_\_\_\_

**PERMIT FEES:**

Site Development \$ \_\_\_\_\_ (AC. \_\_\_\_\_)

Paving & Grading \$ \_\_\_\_\_

Drainage \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_

Water \$ \_\_\_\_\_

Sewer \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_

Clearing & Grubbing \$ \_\_\_\_\_

TOTAL DUE \$ \_\_\_\_\_

APPROVED: \_\_\_\_\_

Town Engineer

APPROVAL DATE: \_\_\_\_\_

Paid By: \_\_\_\_\_

(Revised 11/95)

White Copy - FILE Yellow Copy - INSPECTOR Pink Copy - CONTRACTOR